

## REMARKS

I. Status of the Application

Claims 1-20 are pending in this application. In the September 14, 2005 office action, the Examiner:

A. Rejected claims 1-3, 8-12, 14-17, 19 and 20 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 4,918,995 to Pearman (hereinafter "Pearman") in view of U.S. Patent No. 6,874,691 to Hildebrand et al. (hereinafter "Hildebrand");

B. Rejected claims 4-7 and 13 under 35 U.S.C. § 103(a) as allegedly being obvious over Pearman in view of Hildebrand further in view of U.S. Patent No. 5,343,758 to Ingrain et al. (hereinafter "Ingrain");

C. Rejected claim 18 under 35 U.S.C. § 103(a) as allegedly being obvious over Pearman in view of Hildebrand further in view of U.S. Patent No. 4,829,449 to Polesnak (hereinafter "Polesnak");

In this response, applicants gratefully acknowledge the Examiner's reconsideration of various rejections set forth in the prior office action. Nevertheless, applicants respectfully traverse the current rejection of claims and request reconsideration in view of the foregoing amendments and the following remarks.

## II. The Rejections over Pearman and Hildebrand are in Error

In the September 14, 2005 office action, the Examiner rejected claims 1-3, 8-12, 14-17, 19 and 20 as being allegedly obvious over Pearman in view of Hildebrand. The obviousness rejection over Pearman and Hildebrand also forms the basis of the rejections of claims 4-7, 13 and 18. As will be discussed below, there is no legally sufficient motivation or suggestion to combine Pearman and Hildebrand in the manner proposed by the Examiner. It is therefore respectfully submitted that the obviousness rejections of claims 1-20 over Pearman and Hildebrand (and other references) are in error and should be withdrawn.

### A. Claim 1

Claim 1 is directed to a metering arrangement that includes a meter housing, a source of energy signals, a source of gas flow signals, a source of temperature signals, and a processing circuit. The meter housing is securedly supported proximal to a facility receiving utility commodities. The processing circuit is disposed within the meter housing, and is operably connected to the source of energy signals, the source of gas flow signals, and the source of temperature signals. The processing circuit is operable to generate electrical energy consumption metering information from the energy signals. The processing circuit is further operable to generate corrected gas consumption information based on the received gas flow signals and the received temperature signals.

#### 1. Pearman

Pearman is directed to a compact electronic gas meter for measuring usage of

natural gas. (Pearman at col. 1, lines 46-48). An object of the Pearman disclosure is to provide a “compact gas meter . . . that is small in size and low in cost so as to enable cost-effective measurement of usage of natural gas by a consumer”. (*Id.* at lines 33-35). The meter includes solid state sensing means, sampling means and means for only causing output of the sampling means during an active period. The electronic gas meter is battery powered, and includes low-power consuming elements operated to conserve the battery life. (*Id.* at cols. 2 and 3).

## 2. Hildebrand

Hildebrand is directed to a building automation system having a plurality of wireless remote devices and a controller, the remote devices including sensors, electronically readable gas or electric meters. The system purportedly allows for monitoring and controlling energy consuming devices from “virtually anywhere in the world”. (Hildebrand at Abstract).

## 3. The Examiner’s Proposed Combination Regarding Claim 1

Pearman discloses a gas meter, and does not include any elements directed to measuring or metering the consumption of electrical energy. To this end, the Examiner admitted that Pearman fails to teach “generating electrical energy consumption metering information from the energy signals”, as called for in claim 1. (September 14 office action at p.3). Nevertheless, the Examiner alleges that it would have been obvious to “modify Pearman et al.’s method to include generate electrical energy consumption metering information from the energy signals, as taught by Hildebrand et al.”

a. Hildebrand Does Not Teach or Suggest Placing Electrical Energy Metering Circuits or Functionality in a Gas Meter

It is respectfully submitted that one of ordinary skill in the art would not, based on the teachings of Hildebrand *or* otherwise, modify the electronic gas meter of Pearman to measure electrical energy consumption. Even if Hildebrand teaches that it is useful to measure electrical consumption of a facility, Hildebrand does *not* teach placing this functionality in the *same housing as a gas meter*, as would be required for a modification of Pearman to satisfy this limitation of claim 1.

Hildebrand at best teaches coordination of information from a wide variety of energy management equipment. However, Hildebrand teaches that each piece of equipment has its own housing. (See, e.g., Hildebrand at Figs. 1 and 3). For example, element 24 of Fig. 2 clearly shows a gas meter and an electricity meter as having separate housings. Hildebrand neither suggests nor implies that both functionalities should be in the same housing.

b. The Examiner's Cited Motivation

In the September 14, 2005 office action, the Examiner provided the following motivation to modify Pearman to include electrical energy consumption signals in its gas meter:

It would have been obvious to one having ordinary skill in the art . . . to modify Pearman et al.'s method to include generating electrical energy consumption metering information from the energy signals, as taught by Hildebrand et al., because a typical existing energy management system including temperature sensors place about the building for monitoring the indoor air temperature, an outdoor temperature sensor for monitoring the outdoor air temperature, flow meters for measuring natural gas usage, and current or watt meters for measuring electrical consumption. . .

(Office action at p.3).

Applicants disagree that the above cited paragraph evidences motivation to modify Pearman to arrive at the invention of claim 1. As discussed above, Pearman discloses a gas meter. (See Pearman at Title, Abstract and Claims). As a result, to the extent that Pearman teaches any *method*, it teaches a method to be performed within a gas meter. Thus, the combination proposed by the Examiner is to “including generating electrical energy consumption metering information” within the *gas meter* of Pearman.

The above cited paragraph from the September 14, 2005 office action does not provide any motivation to provide energy consumption metering with a gas meter. At best, the above described paragraph merely mentions that an energy management system will necessarily include various elements, including sensors, gas meters, and energy meters. There is no suggestion or implication of any advantage of incorporating energy consumption operations within a gas meter housing.

#### 4. Conclusion as to Claim 1

For the foregoing reasons, it is respectfully submitted that no legally sufficient motivation or suggestion exists to make the combination of Pearman and Hildebrand proposed by the Examiner. For the foregoing reasons, it is requested that the obviousness rejection of claim 1 over Pearman and Hildebrand be withdrawn.

#### B. Claims 2-10

As discussed above, the rejections of claims 2-10 also stand rejected as allegedly being obvious over Pearman and Hildebrand (and in some cases in combination with additional art). Claims 2-10 depend from and incorporate all of the limitations of claim

1. As discussed above in connection with claim 1, there is no motivation or suggestion to combine Pearman and Hildebrand as proposed by the Examiner. Accordingly, for at least the same reasons as those set forth above in connection with claim 1, it is respectfully submitted that the rejection of claims 2-10 over Pearman and Hildebrand should be withdrawn.

C. Claim 11

Claim 11 is directed to a metering arrangement that includes, among other things that pertain to gas consumption measurement, a source of energy signals representative of electrical energy received by the facility and a processing circuit operable to generate electrical energy consumption metering information from the energy signals. In the rejection of claim 11, the Examiner relies on the same modification of Pearman discussed above in connection with claim 1.

As discussed above, there is no legally sufficient motivation or suggestion to combine Pearman and Hildebrand as proposed. For at least this reason, it is respectfully submitted that the rejection of claim 11 over Pearman and Hildebrand is in error and should be withdrawn.

D. Claims 12-16

As discussed above, the rejections of claims 12-16 also stand rejected as allegedly being obvious over Pearman and Hildebrand (and in some cases in combination with additional art). Claims 12-16 depend from and incorporate all of the limitations of claim 11. As discussed above in connection with claim 1, there is no motivation or suggestion to combine Pearman and Hildebrand as proposed by the Examiner. Accordingly, for at

least the same reasons as those set forth above in connection with claim 11, it is respectfully submitted that the rejection of claims 12-16 over Pearman and Hildebrand should be withdrawn.

E. Claim 17

Claim 17 is directed to a method that includes steps of “providing to a processing circuit energy signals representative of electrical energy consumption” and “using the processing circuit generate electrical energy consumption metering information from the energy signals”, as well as other steps related to gas consumption measurement. In the rejection of claim 17, the Examiner relies on the same modification of Pearman discussed above in connection with claim 1. (September 14, 2005 Office Action at p.2)

As discussed above, there is no legally sufficient motivation or suggestion to combine Pearman and Hildebrand as proposed. For at least this reason, it is respectfully submitted that the rejection of claim 17 over Pearman and Hildebrand is in error and should be withdrawn.

F. Claims 18-20

As discussed above, the rejections of claims 18-20 also stand rejected as allegedly being obvious over Pearman and Hildebrand (and in some cases in combination with additional art). Claims 18-20 depend from and incorporate all of the limitations of claim 17. As discussed above in connection with claim 1, there is no motivation or suggestion to combine Pearman and Hildebrand as proposed by the Examiner. Accordingly, for at least the same reasons as those set forth above in connection with claim 17, it is

respectfully submitted that the rejection of claims 18-20 over Pearman and Hildebrand should be withdrawn.

III. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicants have made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'H. C. Moore', with a long horizontal flourish extending to the right.

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